

TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1200 PLD



Project Name: 50th AVENUE INFILL SHORT PLAT

Case Number: PLD2009-00047; EVR2009-00044

Location: 4117 NE 50th Street

Request: The applicant is proposing to divide approximately 1.0 acre located in an R1-6 zoning district into 7 single-family residential lots using Tier II infill provisions of the Ordinance.

Applicant: Sterling Design, Inc.
2208 E. Evergreen Blvd., Suite A
Vancouver, WA 98661

Contact Person: Joe Stirling
2208 E. Evergreen Blvd., Suite A
Vancouver, WA 98661
(360) 759-1794 [phone]; (360) 759-4983 [fax]
mail@sterling-design.biz

Property Owner: Russ and Charlene Webb
P.O. Box 345
Vancouver, WA 98666

DECISION

Approve Subject to Conditions

Development Services Manager's Initials:

Date Issued: January 13, 2010

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Vicki Kirsher	4178	vicki.kirsher@clark.wa.gov
Engineer: (Trans. & Stormwater)	Brad Hazen	4346	brad.hazen@clark.wa.gov
Engineer: (Trans. Concurrency)	David Jardin	4354	david.jardin@clark.wa.gov
Development Services Manager:	Michael Butts	4137	michael.butts@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater)	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency)	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: UL (Urban Low Density Residential)

Parcel Number: Lot 2/5 (108182) located in the Southwest quarter of Section 18; Township 2 North; Range 2 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Sections: 40.200 (General Provisions); 40.220.010 (Single-Family Residential Districts, R1-6); 40.260.110 (Residential Infill); 40.350.010 (Pedestrian/Bicycle Circulation); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.550.010 (Road Modifications); 40.610 & 40.620 (Impact Fees); Title 14 (Building and Structures); 15.12 (Fire Code); RCW 58.17 (State Platting Laws); and the Clark County Comprehensive Plan.

Neighborhood Association/Contact:

Truman Neighborhood Association
Eldon and Venus Kohler
5005 NE 50th Avenue
Vancouver, WA 98661
(360) 624-8434
E-mail: trumanneighborhood@gmail.com

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on April 9, 2009. The pre-application was determined to be contingently vested as of March 17, 2009. The fully complete application was submitted on October 13, 2009, and determined to be fully complete on October 27, 2009 [Exhibit 3]. Given these facts, the application is vested on March 17, 2009. There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on October 27, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapses on January 13, 2010.

Public Notice:

Notice of application was mailed to the applicant, Truman Neighborhood Association and property owners within 300 feet of the site on November 11, 1009.

Public Comments:

No written comments were received in response to public notice.

Project Overview

The subject 1.0 acre parcel is located on the southeast corner of NE 50th Avenue and NE 42nd Street. An existing residence, a shed and a detached garage are currently located on the property. The dwelling will be situated on resulting Lot 1. Both the shed and garage will be removed from the premises prior to development of the short plat.

The applicant is proposing to divide this 1.0 acre into seven (7) single-family residential lots using Tier II infill provisions of the R1-6 zoning district. Parcels range in size from 4,500 square feet to 7,157 square feet.

The existing dwelling currently derives access from NE 50th Avenue. There will be no change in this situation as a result of the land division. All newly created lots will take access directly from NE 42nd Street which will be improved with half-street improvements.

The applicant is requesting a road modification to waive frontage improvements along NE 50th Avenue.

The site is located within the Vancouver School District, Fire District #5, and Park District #7.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential	R1-6	Acreage homesite
North	Urban Low Density Residential	R1-6	Single family residential subdivision
East	Urban Low Density Residential	R1-6	Acreage homesite
South	Urban Low Density Residential	R1-6	Acreage homesites
West	Urban Low Density Residential	R1-6	Single family residences

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

LAND USE:

Finding 1 – Infill Eligibility

The applicant is proposing to develop this short plat under Tier II infill standards. Criteria for determining whether a parcel is eligible for such development are set forth in CCC 40.260.110(B). The subject 1.0 acre parcel qualifies to be reviewed under these provisions in that it is a legal lot of record, is located within an R1-6 zoning district, contains less than 2.5 acres, and has existing residential development on more than 50% of its non-street perimeter.

Finding 2 – Neighborhood Meeting

CCC 40.260.110(I)(1) requires that a neighborhood meeting be held for Tier II infill developments prior to preliminary application. The applicant submitted documentation of a neighborhood meeting held in accordance with requirements of the infill ordinance [Exhibit 2, Tabs 22(C) and 22(D)].

Finding 3 – Lot Standards

Standards for developing under Tier II infill provisions in an R1-6 zoning district are set forth in CCC 40.260.110(I). Parcels resulting from the proposed land division must comply with the minimum lot area of 4,500 square feet noted in Table 40.260.110-1. In addition, the proposal must also meet a maximum density of 9.7 dwelling units/acres.

A review of the revised preliminary plan [Exhibit 11] reveals that all resulting parcels contain more than 4,500 square feet. Density of the proposed short plat is 7.0 dwelling units/acre which meets the standard identified above.

Finding 4 – Setbacks/Lot Coverage

The applicable setbacks for each lot are as follows:

- Front: 18 feet for garage door or carport entrance; 10 feet for other parts of the dwelling and detached accessory structures
- Side: 18 feet for garage door or carport entrance; 5 feet for other parts of the dwelling and detached accessory structures
- Rear: 18 feet for garage door or carport entrance; 5 feet for other parts of the dwelling and detached accessory structures except on those lots abutting parcels with existing single family dwellings the setback shall be 10 feet.

The existing residence meets these setbacks. The revised plan [Exhibit 11] shows building envelopes for the remaining parcels. The envelope on Lot 3 does not correctly reflect the side setback along the west property line of this parcel. This situation shall be corrected on the final plat (See Condition D-1).

The subject 1.0 acre parcel is bordered on the south and east by lots which currently contain with single family dwellings. As a result, the 10-foot rear yard setback

requirement applies to Lots 3 through 7. The building envelopes on these lots correctly reflect this setback.

In order to avoid any confusion at time of building permit issuance, distance of building envelopes to all property lines shall be clearly identified on the final plat (*See Condition D-2*).

Maximum lot coverage by buildings constructed on individual lots may be sixty (60) percent. The revised preliminary plan [*Exhibit 11*] identifies building envelopes that, if fully encumbered with structures, will exceed this standard. To ensure compliance with this code provision, a plat note to this effect will be required (*See Conditions D-8-a-2 and D-10-c*).

CCC 40.260.110(F)(1) requires the applicable infill development standards be recorded as a deed restriction with the final plat as a condition of approval (*See Condition D-8-a*). In addition, a plat note will be required to ensure dwellings and other structures constructed on these resulting lots comply with the applicable setbacks and standards (*See Condition D-10-b*).

Finding 5 – Existing Structures

As previously noted, it is the applicant's intention to remove a detached garage and shed from the premises prior to construction of the short plat. A condition will be imposed to ensure these buildings are removed, with the necessary permits, prior to final construction. (*See Condition B-4*)

Finding 6 – Mobile/Manufactured Homes

Pursuant to CCC 40.260.130, manufactured homes may be allowed in residential land divisions in an R1-6 zoning district provided the land division meets certain requirements. The applicant has indicated that he would like to reserve the right for manufactured homes to be placed on individual lots resulting from this proposed subdivision. As required by ordinance, the revised preliminary plan [*Exhibit 11*] contains a note that mobile homes are allowed, and also shows the location and square footage of the building area. In addition, the lots are of sufficient size to accommodate a 24-foot x 36-foot manufactured home and an enclosed single car garage.

In accordance with CCC 40.260.130(C), the final plat shall identify the location, dimensions and square footage of the building area (*See Condition D-3*) and all required setbacks on each lot (*See Condition D-2*). In addition, the plat shall contain a note indicating that mobile homes are permitted (*See Condition D-10-d*).

Mobile homes on lots approved pursuant to CCC 40.260.130(D) shall meet the following requirements:

1. Minimum Size. Two (2) fully enclosed parallel sections of not less than eight hundred sixty-four (864) square feet or a multi-story structure with equivalent square footage.

2. Minimum Dimensions. Twenty-four (24) feet by thirty-six (36) or eight hundred sixty-four (864) square feet.
3. Minimum Roof Pitch and Materials. Roof pitch shall not be less than a 2.85 foot rise for each twelve (12) feet of horizontal run. Roof original construction shall be with composition or wood shake or shingle, nonreflective coated metal, or similar material.
4. Skirting and Siding. Except where the foundation base of the mobile home is flush to ground level, each mobile home shall install skirting material which is of similar material, color and pattern as the siding of the home; or a masonry foundation. Exterior siding shall be similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences.
5. Age of Mobile Home. The mobile home shall bear an insignia of approval from the U.S. Department of Housing and Urban Development, and be constructed to state and federal requirements after June 15, 1976.
6. Storage or Garage. Each mobile home shall have a minimum of two (2) off street parking spaces pursuant to Table 40.340.010-4. In addition, each mobile home shall provide a minimum of an enclosed single car garage of not less than two hundred eighty-eight (288) square feet. Each garage or storage building shall be constructed of the same exterior material which is similar in color and pattern as the siding of the home.
7. Where the owner of the mobile home is not the sole owner of the lot upon which the mobile home is to be located, both the property owner and the mobile home owner shall jointly apply for the mobile home placement permit. Due to the applicability of the Mobile Home/Landlord Tenant Act, the mobile home owner shall not be responsible for paying impact fees, sewer connection fees or other entrance fees pursuant to RCW 59.20.060(2)(e).

These requirements will be placed as a condition for building permit issuance (See *Condition E-1*).

Finding 7 – Street Name

The revised preliminary plan [*Exhibit 11*] identifies the street running along the northern boundary of the development site as NE 43rd Street. This road is actually NE 42nd Street. This oversight shall be corrected on the final plat (See *Condition D-4*).

Finding 8 – State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed short plat will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed residences to public sewer and water, as well as

treatment of any future increase of stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

Conclusion (Land Use): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

TRANSPORTATION:

Finding 1 – NE 42nd Street

NE 42nd Street is classified as an 'Urban Local Access' roadway with a total of 46 feet of right-of-way and a total of 28 feet roadway width. The applicant is responsible for dedicating a 23-foot half-width right-of-way and constructing a 14-foot half-width roadway with concrete curb/gutter and sidewalk along the frontage of NE 42nd Street (*See Condition A-2-a*).

Finding 2 – NE 50th Avenue

NE 50th Avenue is classified as an 'Urban Local Access' roadway with a total of 46 feet of right-of-way and a total of 28 feet roadway width. The applicant is responsible for 23-foot half-width right-of-way dedication, and a 14-foot half-width roadway constructed with concrete curb/gutter and sidewalk along the frontage of NE 50th Avenue.

The applicant submitted a design road modification application requesting that construction of these frontage improvements along NE 50th Avenue be waived. This request has been denied (*See Transportation Finding 4*). Therefore, the applicant will be responsible for making these improvements (*See condition A-2-b*).

Finding 3 – Sight Distance

Approval criteria for sight distances are found in CCC 40.350.030(B)(8). This code section establishes minimum sight distances at intersections and driveways. Sight distance is based on 10 times the speed limit of the roadway. Based on the posted speed of 25 mph, sight distance of 250 feet at intersection of NE 42nd Street and NE 50th Avenue is required. The applicant's engineer has stated that sight distance to the south at this intersection is 200 feet. The applicant has requested a design road modification to waive mitigation of the deficient sight distance at this location. The road modification for mitigating the sight distance has been denied (*See Transportation Finding 4*). The applicant will, therefore, be required to mitigate sight distance deficiency at the intersection of NE 50th Avenue and NE 42nd Street (*See Condition A-2-c*).

Finding 4 – Road Modification (EVR2009-00044)

The applicant has requested the following road modifications:

1. **Frontage Improvements:** The applicant is requesting a road modification to be allowed to waive frontage road improvement requirements along NE 50th Avenue.

2. Site Distance: The applicant is requesting a road modification to allow a substandard sight distance of approximately 200 feet to the south along NE 50th Avenue at the existing intersection with NE 42nd Street.

Approval Criteria

If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550. The request shall meet one (or more) of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

Applicant's Discussion

1. Frontage Improvements: The applicant's engineer has stated the justification for relief from frontage improvements meets criteria CCC 40.550.010(A)(1)(a) [Exhibits 10 and 11A].
2. Site Distance: Sight distance on NE 50th Avenue at NE 42nd Street is 200 feet looking to the south. County code requires 250 feet of sight distance here. Sight distance is based on 10 times the speed limit of the roadway. The applicant's proposed mitigation for the deficient sight distance is to install two 20 mph speed limit signs on both sides of this existing vertical curve [Exhibits 10 and 11A].

Staff's Evaluation

1. Frontage Improvements: Staff has analyzed this road modification under guidelines adopted by the Board of Clark County Commissioners Resolution number 2008-12-24, "Guidelines for determining the rough proportionality of developer requirements for urban residential developments". The guidelines are based on the total square foot of frontage required divided by the total trips per day of the entire development. If this number is less than 160, then the proposed frontage is presumptively proportional [Last page of Exhibit 13]. For NE 42nd Street, staff calculated 16.5 feet wide new frontage by 312 feet long (3,340 square feet); then for NE 50th venue staff calculated 25.5 feet wide new frontage by 131 feet long (5,148 square feet). The approximate total square feet of new frontage for this project are 8,488 square feet. Total number of trips per day with this short

plat is 70 trips per day. Therefore 8,488 divided by 70 equals 121 square feet. This figure is below the 160 range which infers this frontage is presumptively proportional.

2. Site Distance: Prior to Clark County reducing the existing speed limit on a roadway, a speed study needs to be done to determine the 85th percentile of the speed on that roadway. The applicant would need to perform this speed study and submit the data to Clark County for review and consideration to reduce the existing speed limit to 20 mph on this roadway. It is premature at this time to assume the 85th percentile is 20 mph, and to assume the County would lower this speed limit. Therefore, at this point in time, the mitigation as proposed is not acceptable for this road modification.

Based on the adopted residential frontage chart, and the lack of a speed study to determine the 85th percentile of speed along the site's frontage the Development Engineering Manager has denied both road modification requests [*Exhibit 13*]. Therefore, the applicant shall perform the required improvements along the property frontage on NE 50th Avenue, and mitigate the sight distance deficiency at the intersection of NE 50th Avenue and NE 42nd Street (See *Conditions A-2-b and A-2-c*).

Conclusion (Transportation): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets transportation requirements of the Clark County Code.

STORMWATER:

Finding 1 – Applicability

The project is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Infill projects that meet eligibility requirements of CCC 40.260.110(B)(1), and create less than 5,000 square feet of new impervious surface are exempt from CCC 40.380.040(b) and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate roof runoff may be deducted from area calculations. The proposed amount of new impervious area that will be created is greater than 5,000 square feet and therefore CCC 40.380.040(b) and CCC 40.380.040(C) apply.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 2 – Stormwater Proposal

The applicant has submitted a preliminary stormwater report that indicates water quality management is addressed with a proposed StormFilter (Contech Stormwater Solutions) with water quantity management is addressed with 2 drywells.

The applicants engineer is relying on a geotechnical report done by Columbia West Engineering for the subdivision immediately to the north of this development site that

obtained infiltration rate of 10.9 inches per hour (Odne Estates Subdivision). This information complies with the Stormwater Code as long as infiltration tests at the proposed infiltration are performed to determine the specific design rate (*See Condition A-4-a*).

An overflow system or a route shall be identified for stormwater flows that overtop the facility when infiltration capacity is exceeded or the facility becomes plugged and fails (*See Condition A-4-b*).

The infiltration system is proposed to be publicly owned and maintained.

Conclusion (Stormwater): Based upon the development site characteristics, the proposed stormwater plan, requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375, extension 4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (*See Condition E-2*).

Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 PSI for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 1,500 gpm.

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated existing fire hydrants are adequate.

Finding 5 – Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (*See Condition A-6-a*).

Finding 6 – Parallel Parking

Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING" (See *Conditions A-6-b and D-5*).

Conclusion (Fire Protection): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

UTILITIES

Finding 1 – Water and Sewer

Lots resulting from the proposed short plat are required to connect to public water and sewer. The site will be served by the City of Vancouver for both water and sanitary sewer. The applicant has submitted a current utility review from these agencies confirming that services are available to the site.

Prior to final plat approval, the applicant shall provide documentation from the utilities indicated that water and sewer connections have been installed and approved (See *Condition D-6*).

Finding 2 – Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (See *Condition A-7*).

Conclusion (Utilities): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 1 – Impact Fees

Additional residential lots created by this plat will produce additional impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic (TIF) Impact Fees in accordance with CCC 40.610.

The site is located within:

- Vancouver School District with a SIF of \$1,112.00 per dwelling;
- Park District #7 with a PIF of \$1,885.00 per dwelling (\$1,445.00 for acquisition and \$440.00 for development);
- South Orchards sub-area with a TIF of \$3,327.01 per dwelling (\$499.00 – local and \$2,827.96 – regional).

Impact fees shall be paid prior to issuance of building permits for each new lot (See *Conditions D-8-e and E-3*). If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate.

DECISION

Based upon the revised preliminary plan [*Exhibit 11*], and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A Final Construction Review for Land Division Review & Approval Authority: Development Engineering

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Construction Plan - The applicant shall submit and obtain County approval of a final construction plan with the following:

- a. Archaeology - A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-2 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall dedicate a 23-foot half-width right-of-way and construct a 14-foot half-width roadway with concrete curb/gutter and sidewalk along the frontage of NE 42nd Street per approved engineering drawings conforming to Standard Detail Drawing # 14. (*See Transportation Finding 1*)
- b. The applicant shall dedicate a 23-foot half-width right-of-way and construct a 14-foot half-width roadway with concrete curb/gutter and sidewalk along the frontage of NE 50th Avenue per the approved engineering drawings conforming to the Standard Detail Drawing # 14. (*See Transportation Findings 2 and 4*)
- c. In accordance with CCC 40.350.030(B)(8), the engineer shall show 250 feet of sight distance triangles at the intersection of NE 42nd Street and NE 50th Avenue. (*See Transportation Findings 3 and 4*)

A-3 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-4 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall submit infiltration investigation report. Said report shall include the tested infiltration rates at the location of the stormwater facilities and laboratory analysis based on AASHTO Specification M145. (*See Stormwater Finding 2*)
- b. An overflow route shall be identified for stormwater flows that overtop the facility when infiltration capacity is exceeded, or the when facility becomes plugged and fails. (*See Stormwater Finding 2*)

A-5 Erosion Control Plan: The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-6 Fire Marshal Requirements:

a. The applicant shall ensure that fire apparatus access roads maintain an unobstructed vertical clearance of not less than 13.5 feet with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. *(See Fire Protection Finding 5)*

b. Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". *(See Fire Protection Finding 6)*

A-7 Health Department Review: Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. *(See Utilities Finding 2)*

A-8 Excavation and Grading: Excavation/grading shall be performed in compliance with CCC Chapter 14.07. A grading permit is required if excavation exceeds 50 cubic yards and a SEPA is required if the amount of cut or fill exceeds 500 cubic yards.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference: Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

B-2 Erosion Control: Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control: Erosion control facilities shall not be removed without County approval.

B-4 Demolition of Existing Buildings: Prior to demolition of any structures on the site, the applicant shall obtain demolition permits from the Clark County Building Division. *(See Land Use Finding 5)*

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

- C-1 Stormwater:** Installation of infiltration systems shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. If the infiltration rates are lower than design the engineer shall redesign the stormwater system. The timing of representative infiltration tests will be determined at the pre-construction conference. (See *Stormwater Finding 2*)

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Building Envelope:** The building envelope on Lot 3 shall be revised to correctly reflect how the side setback along the west property line is measured. (See *Land Use Finding 4*)
- D-2 Building Envelopes:** Building envelopes shown on the final plat shall clearly identify distances to all property lines. (See *Land Use Findings 4 and 6*)
- D-3** In accordance with CCC 40.260.130(C), the final plat shall identify the location, dimensions and square footage of building envelopes shown on all parcels (See *Land Use Finding 6*)
- D-4** The final plat shall correctly identify the public road on the north side of the development as NE 42nd Street. (See *Land Use Finding 7*)
- D-5** For any streets that are less than twenty-four (24) feet wide, "NO PARKING" signs shall be posted prior to recordation of the final plat. (See *Fire Protection Finding 6*)
- D-6** The applicant shall provide documentation from City of Vancouver that water and sewer connections to the new lots have been installed and approved. (See *Utilities Finding 1*)
- D-7 Abandonment of On-Site Water Wells and Sewage Systems –** The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.

D-8 Developer Covenant - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

- a. Development on Infill Parcels: All development on infill parcels created pursuant to Section 40.260.110 shall be subject to the standards for Infill Development. The following applicable Infill Development Standards shall be included in the Developer Covenants to Clark County (*Land Use Finding 5*).
 1. Setbacks on lots within this development are:
 - Front: 18 feet for garage door or carport entrance, and 10 feet for other detached accessory structures
 - Side: 18 feet for garage door or carport entrance, and 5 feet detached accessory structures
 - Rear: 18 feet for garage door or carport entrance, 5 feet for detached accessory structures; and 10 feet when abutting parcels with existing single family dwellings.
 2. The maximum lot coverage by buildings constructed on individual lots is sixty percent (60%).
- b. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- c. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- d. If applicable, a covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification.
- e. Impact Fees: "In accordance with CCC 40.610, except for Lot 1 with the existing residence, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$1,112.00 (Vancouver School District); \$ \$1,885.00 (\$1,445.00 – Acquisition and \$440.00 – Development for Park District #7); and \$3,327.01 (\$499.00 – local and \$2,827.96 – regional) in South Orchards TIF sub-area respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-9 Addressing - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-10 Plat Notes - The following notes shall be placed on the final plat:

- a. Lot Coverage: Lot coverage by all buildings constructed on individual lots shall not exceed sixty (60) percent. (*See Land Use Finding 4*)
- b. Setbacks: Setbacks on lots within this development are:
 - Front: 18 feet for garage door or carport entrance, and 10 feet for other detached accessory structures
 - Side: 18 feet for garage door or carport entrance, and 5 feet detached accessory structures
 - Rear: 18 feet for garage door or carport entrance, 5 feet for detached accessory structures; and 10 feet when abutting parcels with existing single family dwellings.
- c. Lot Coverage: The maximum lot coverage by buildings constructed on individual lots is sixty percent (60%).
- d. Mobile Homes: "Mobile homes are permitted on all lots within this short plat subject to the requirements of CCC 40.260.130."
- e. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- f. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- g. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- h. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

E	Building Permits Review & Approval Authority: Customer Service
----------	---

Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Mobile homes placed on any lot within this subdivision shall meet the following requirements: *(See Land Use Finding 6)*
- a. Minimum Size. Two (2) fully enclosed parallel sections of not less than eight hundred sixty-four (864) square feet or a multi-story structure with equivalent square footage.
 - b. Minimum Dimensions. Twenty-four (24) feet by thirty-six (36) or eight hundred sixty-four (864) square feet.
 - c. Minimum Roof Pitch and Materials. Roof pitch shall not be less than a 2.85 foot rise for each twelve (12) feet of horizontal run. Roof original construction shall be with composition or wood shake or shingle, nonreflective coated metal, or similar material.
 - d. Skirting and Siding. Except where the foundation base of the mobile home is flush to ground level, each mobile home shall install skirting material which is of similar material, color and pattern as the siding of the home; or a masonry foundation. Exterior siding shall be similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences.
 - e. Age of Mobile Home. The mobile home shall bear an insignia of approval from the U.S. Department of Housing and Urban Development, and be constructed to state and federal requirements after June 15, 1976.
 - f. Storage or Garage. Each mobile home shall have a minimum of two (2) off street parking spaces pursuant to Table 40.340.010-4. In addition, each mobile home shall provide a minimum of an enclosed single car garage of not less than two hundred eighty-eight (288) square feet. Each garage or storage building shall be constructed of the same exterior material which is similar in color and pattern as the siding of the home.
 - g. Where the owner of the mobile home is not the sole owner of the lot upon which the mobile home is to be located, both the property owner and the mobile home owner shall jointly apply for the mobile home placement permit. Due to the applicability of the Mobile Home/Landlord Tenant Act, the mobile home owner shall not be responsible for paying impact fees, sewer connection fees or other entrance fees pursuant to RCW 59.20.060(2)(e).

- E-2** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (*See Fire Protection Finding 2*)
- E-3 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units, as follows:
- \$1,112.00 per dwelling for School Impact Fees (Vancouver School District);
 - \$1,885.00 per dwelling (\$1,445.00 for acquisition and \$440.00 for development) for Park Impact Fees (Park District #7);
 - \$3,327.01 per dwelling (\$499.00 – local and \$2,827.96 – regional) for Traffic Impact Fees (South Orchards Sub-area).

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate. (*See Impact Fee Finding 1*)

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1** All work shall be completed on the engineering drawings and as-built Mylar shall be submitted for review and approved.

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
----------	--

- G-1 Land Division:** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G-3 Building and Fire Safety: Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 None

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on January 13, 2010. Therefore any appeal must be received in this office by 4:00 p.m. on January 27, 2010.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or

reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners.

Attachments:

- Copy of Revised Preliminary Plan – Exhibit 11
- Copy of Decision Denying Road Modification – Exhibit 13

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

SITE INFORMATION



proud past, promising future

CLARK COUNTY
WASHINGTON

DEPARTMENT OF
PUBLIC WORKS
DEVELOPMENT ENGINEERING

ROAD MODIFICATION REPORT & RECOMMENDATION

Project Name	50 th Avenue Infill Short Plat
Case Number	EVR2009-00044
Staff Engineer	Brad Hazen
Report Issue Date	January 4, 2010

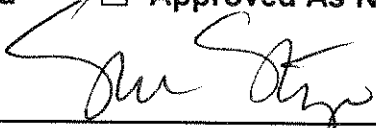
SUBJECT PROPERTY:

Parcel No.	Address	Parcel Classification	Parcel Size (acre)
108182000	4117 NE 5 th Avenue	R1-6	1.0

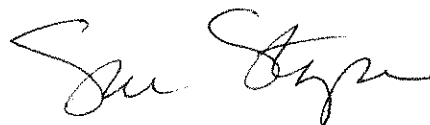
<u>Project Description</u>	The applicant proposes to divide an existing 1.0-acre lot with one existing residence into a total of 7 lots.
<u>Road Modification Request</u>	1. The applicant is requesting a road modification to be allowed to eliminate their frontage road improvement requirements along NE 50 th Avenue. 2. The applicant is requesting a road modification to allow a substandard sight distance of approximately 200 feet to the south along NE 50 th Avenue at the existing intersection with NE 42 nd Street.
<u>Code Sections</u>	1. CCC 40.350.030(B)(5) Frontage Road Improvements 2. CCC 40.350.030(B)(8) Sight Distance
<u>Approval Criteria</u>	<p>If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550. The request shall meet one (or more) of the following four specific criteria:</p> <ol style="list-style-type: none"><i>Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.</i><i>A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.</i><i>An alternative design is proposed which will provide a plan equal to or superior to these standards.</i><i>Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.</i>

<u>Applicant's Discussion</u>	<p>1. The applicant's engineer has stated the justification for relief from frontage improvements meets criteria CCC 40.550.010 A-1-a. See the attached applicant's engineer road modification request, dated January 3rd, 2010, pages 1-16 by Sterling Design, Inc.</p> <p>2. Sight distance at NE 50th Avenue at NE 42nd Street is 200 feet looking to the south. County code requires 250 feet of sight distance here. Sight distance is based on 10 times the speed limit of the roadway. The applicant's proposed mitigation for the deficient sight distance is to install two 20 mph speed limit signs on both sides of this existing vertical curve. See the attached applicant's engineer road modification request, dated January 3rd, 2010, pages 1-16, by Sterling Design, Inc.</p>
<u>Staff's Evaluation</u>	<p>1. Staff has analyzed this road modification under the guidelines adopted by the Board of Clark County Commissioners Resolution number 2008-12-24, "Guidelines for determining the rough proportionality of developer requirements for urban residential developments". The guidelines are based on the total square foot of frontage required divided by the total trips per day of the entire development. If this number is less than 160, then the proposed frontage is presumptively proportional (See attached Residential Frontage chart page 1 of 1). For NE 42nd Street, staff has calculated 16.5 feet wide new frontage by 312 feet long; then, for NE 50th avenue staff has calculated 25.5 feet wide new frontage by 131 feet long. Approximate total square feet of new frontage is 8,488 square feet. Total number of trips per day with this short plat is 70 trips per day. Therefore $8,488/70 = 121$ square feet which is below the 160 range which infers this frontage is presumptively proportional.</p> <p>2. Prior to Clark County reducing the existing speed limit on a roadway, a speed study needs to be done to determine the 85th percentile of the speed on that roadway. The applicant would need to perform this speed study and submit the data to Clark County for review and consideration to reduce the existing speed limit to 20 mph on this roadway. It is premature at this time to assume the 85th percentile is 20 mph and to assume the County would lower this speed limit. Therefore, at this point in time, the mitigation as proposed is not acceptable for this road modification.</p>
<u>Recommendation</u>	Staff's recommendation is <u>Denial</u> of both road modification

	requests based on the adopted residential frontage chart and the lack of a speed study to determine the 85 th percentile of speed along the site's frontage.
<u>Conditions</u>	<ol style="list-style-type: none"> 1. Construct the frontage along NE 50th Ave according to the Clark County road standards. 2. Meet or mitigate the deficient sight distance at the intersection of NE 50th Avenue and NE 42nd Street.

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved As Noted <input type="checkbox"/> Denied

<div style="display: flex; justify-content: space-between;"> Sue Stepan, P.E., Development Engineering Program Manager 1-4-2010 DATE </div>

This means the staff recommendation is "approved", which also means the two road modification requests are both denied (consistent with staff report recommendation.)


1-6-2010

STERLING DESIGN, INC.

2208 Evergreen Blvd, Ste A, Vancouver, Wa 98661

(360) 759-1794

Date: January 3, 2010

To: Brad Hazen

Project: "50th Avenue Infill" Short Plat (PLD2009-00026)

We are requesting a Design Road Modification to the Road Standards (CCC40.550), under CCC 40.550.010 Road Modifications, for the following items:

1. To waive the requirement to construct frontage improvements along NE 50th Avenue as required by CCC40.350.030(B)(5), with the exception of the right-of-way dedication. Additional public right-of-way will be dedicated as required for a 23' wide Centerline to Right-of-way as needed for an Urban Local Access Road.
2. To allow an existing substandard sight distance of approximately 200', to the south along NE 50th Avenue, at the existing intersection with NE 42nd Street which will be improved with this project. Per Table CCC40.350.030-4 an Urban Local Access road has a design speed of 25 mph and Table CCC40.350.030-11 requires a sight distance of 250' for a design speed of 25 mph.

In order to evaluate the Road Modification Request the request must address one of the following conditions from 40.550.010 Road Modifications:

A. Criteria

1. *Modifications to the standards contained within this chapter may be granted in accordance with the procedures set out herein when any one of the following conditions are met:*
 - a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions imposing an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available;*
 - b. *A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship;*
 - c. *An alternative design is proposed which will provide a plan equal to or superior to these standards; and,*
 - d. *Application of the transportation standards to the development would be grossly disproportional to the impacts created.*

This Design Road Modification Request is utilizing Criteria 1.a for both requests.

Sight distance(s) have been measured at the property and on the intersection affected by this application and an engineering analysis has been completed on NE 50th Avenue and is included within the application packet.

NE 50th Avenue is a road that currently has significant sight distance and safety issues associated with it both to the north and south of the site. Currently the existing home on the proposed "50th Avenue Infill" Short Plat has direct driveway access onto NE 50th Avenue and this will not change as part of the development application, other than moving it further to the south. All newly created residential lots will take access from NE 42nd Street which will be improved with half-street improvements as required by Clark County Development Code. NE 42nd Street is connected to NE 51st Avenue which was constructed with the recently approved "Burlwood Estates" project. NE 51st Avenue provides a much safer route of traffic to NE 44th Street which is the route of travel that the future residents of this project

will take to and from their homes to outside destinations.

Frontage improvements to NE 50th Avenue are not necessary as a direct result of the impacts created by this subdivision as demonstrated by a recently approved Road Modification submitted with the "Burlwood Estates" project. Also, due to the existing topography, road conditions on & along NE 50th Avenue and geographic conditions offsite, on either side of the project, along NE 50th Avenue, the cost of the required improvements to NE 50th Avenue to bring it up to current Clark County Road Standards are disproportionate to the impacts of this development on NE 50th Avenue and impose an unusual hardship on the applicant. By leaving NE 50th Avenue unimproved, existing traffic from the south will continue to move slowly due to the unimproved road and will compensate for the sight distance deficiency and remain unchanged from its current condition. By dedicating the additional public road right-of-way along the project frontage, future improvements to NE 50th Avenue will be facilitated when the entire road is improved and all sight distance deficiencies to the north and the south can be fixed at the same time. This Road Modification Request is an alternative design which accomplishes the goal of providing the existing traffic along NE 50th Avenue as safe a condition as can be done with this project. All newly created traffic will be directed to NE 42nd Street so there will not be any direct impact to the existing NE 50th Avenue traffic patterns and will further the goal for public safety and slower vehicular speeds.

This same argument was confirmed by Clark County Staff when the "Burlwood Estates" project submitted a Road Modification request to waive the improvements along NE 50th Avenue also due to a lack of any additional access to NE 50th Avenue. The Road Modification Request was approved and the Staff Evaluation portion of the approval memorandum states: *"If the proposed subdivision does not create additional traffic impacts on NE 50th Avenue there is no essential nexus between the proposed development and the required frontage improvements and the county cannot require the applicant to provide improvements they will not use."* (See attached copy of EVR2005-00008).

An engineering analysis of the existing road profile of NE 50th Avenue along the property frontage and to the south of the project demonstrates that in order to improve NE 50th Avenue, vertical curves will need to be implemented both along the project frontage and to the south of the property line. In order to construct and make the changes in grade to NE 50th Avenue along the site frontage, approximately 300 L.F. of NE 50th Avenue would need to be demolished, graded and reconstructed to current Clark County Standards. The cost of these improvements would easily exceed \$100,000 in material and construction related expenses without considering the potential additional expenses for other utility relocation, damages to other properties and the extensive traffic control that would be required for the other users of NE 50th Avenue during the construction process.

Sight distance was measured along NE 50th Avenue at the existing intersection with NE 42nd Street and found to be approximately 200' to the south and in excess of 250' to the north. Based on an Urban Local Access Road the minimum speed limit is 25 mph which would require an intersection sight distance of 250'. In order to mitigate this existing deficient sight distance condition, we propose to install 20 mph speed limit signs along NE 50th Avenue in 2 places, 1 to the north of the project and 1 to the south of the project. This will encourage drivers to maintain a speed that is consistent with the existing intersection sight distance available at the intersection. Keep in mind that this intersection is existing and is only going to be improved with half-street improvements as part of this project.

Sight distance was measured at the proposed driveway location for the existing home on NE 50th Avenue, which currently accesses NE 50th Avenue now. That sight distance was in excess of 250' both to the north and the south.

Sight distance was measured at the intersection of NE 50th Avenue and NE 44th Street and is approximately 260' to the west and in excess of 350' to the east. The minimum required sight distance is 350' to the east and west based on a design speed limit of 35 mph, at this intersection, and this deficiency was addressed in a previously approved Road Modification, EVR2005-00008, submitted with the "Burlwood Estates" project.

Based on the information provided to Clark County within this application packet, we request that this Design Road Modification be approved for the "50th Avenue Infill" Short Plat to limit the required improvements along NE 50th Avenue to the dedication of an additional 3' of public right-of-way and the installation of 20 mph speed limit signs.

Thank you for your time and consideration on this matter and if you have any questions or comments please call me at (360) 759-1794.

Sincerely,

Joel Gregory Stirling, PE



01-03-10

STERLING DESIGN, INC.

2208 E. Evergreen Blvd., STE A
Vancouver, WA 98661
Ph. (360) 759-1794/ Fax: (360) 759-4983
Email: MAIL@STERLING-DESIGN.BIZ

DESIGN ROAD MODIFICATION APPLICATION

50th AVENUE INFILL SHORT PLAT

DECEMBER 2009

Serial Number 108182-000

**Located in a portion of the SW ¼ of Section 18, Township 2 North, Range 2
East, Willamette Meridian, Clark County, Washington.**

Owner: Russ & Charlene Webb
P.O. Box 345
Vancouver WA, 98666
russ@nwlinc.com

Applicant/Contact Person: Joel Stirling
STERLING DESIGN, INC.
2208 E. Evergreen Blvd.
Suite A
Vancouver, WA 98661
Ph. (360) 759-1794/ Fax: (360) 759-4983
MAIL@STERLING-DESIGN.BIZ

TABLE OF CONTENTS:

1. Cover Sheet
 - With Table of Contents
2. Application Form
3. Application Fee
4. Narrative
5. Proposed Plan
6. Engineering Analysis
7. Submittal copies

Also enclosed with this submittal package is one 11" x 17" reduction of the following:

- Proposed Land Division Plan with Existing Conditions

TAB 2
APPLICATION FORM



DEVELOPMENT ENGINEERING PROGRAM Application Form

PROJECT NAME: 50 th Ave Infill Short Plat	
DESCRIPTION OF PROPOSAL: DESIGN ROAD MOD	
PRELIMINARY PLAN REVIEW CASE NUMBER: PLD- 2009-00047 or PSR-	
PROJECT TYPE: <input type="checkbox"/> Administrative Road Modification <input checked="" type="checkbox"/> Design Road Modification <input type="checkbox"/> Minor Road Modification	
TYPE: <input type="checkbox"/> Prior to Public Hearing <input type="checkbox"/> After Public Hearing	
DEVELOPER INFORMATION: Russ and Charlene Web	Address: P.O. Box 345 Vancouver WA 98666
E-mail Address: russ@mmlink.com	Phone and Fax: 360 759 179 360 759-4983
DESIGN ENGINEER NAME: Sterling Design, Inc.	Address: 2208 E. Evergreen Blvd. Suite A Vancouver WA 98661
E-mail Address: mail@sterling-design.biz	Phone and Fax: 360 759 1794 360 759-4983
CONTACT INFORMATION: Joel Sterling	Address: 2208 E. Evergreen Blvd. Suite A Vancouver WA 98661
E-mail Address: Joel@sterling-design.biz	Phone and Fax: 360 759-1794 360 759-4983

AUTHORIZATION

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the application. This application gives consent to the county to enter the properties listed above.

Authorized
Signature: _____

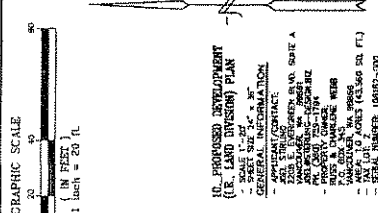
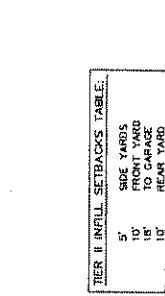
Date: _____

12-16-09

TAB 3
APPLICATION FEE

TAB 4
NARRATIVE

TAB 5
PROPOSED PLAN

[illegible]

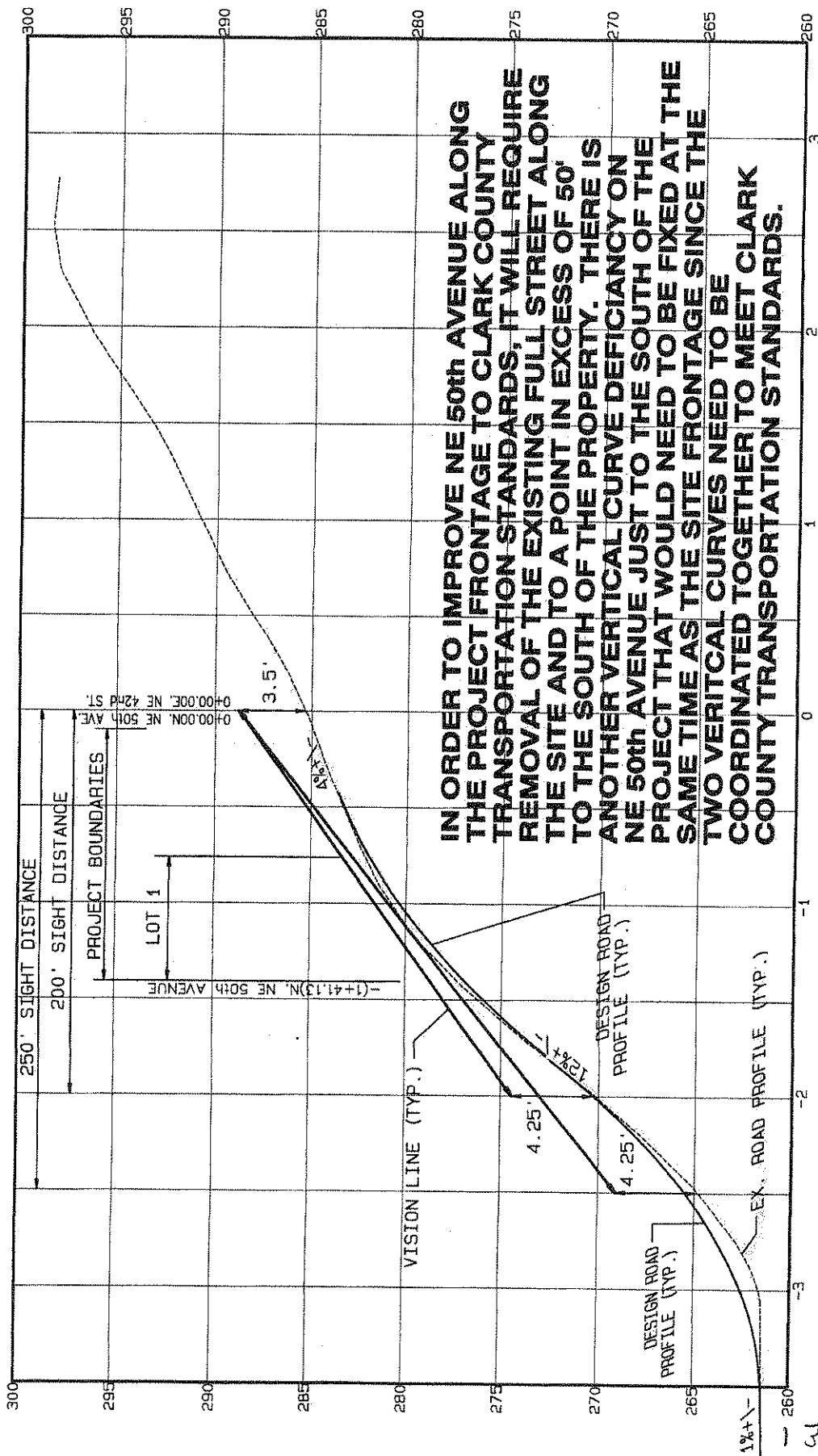
1.00 ACRES (43,590 sq.ft.)
 TOTAL AREA: 4,359.00 sq.ft.
 TOTAL LOT AREA: 7,157 sq.ft.
 MAXIMUM LOT AREA: 5,015 sq.ft.
 AVERAGE LOT AREA:

NOTE: Enclosed utilities there are approximately only four utility accounts and to make it the safe, convenient and verify appearance location, depth & usage of any and all existing utilities, please contact the local Gas and Electric at (800) 234-1553.

<h1 style="text-align: center;">SITE INFORMATION</h1>	
ADDRESS 10000 W. 10TH AVE. SUITE 200 DENVER, CO 80202	PHONE (303) 556-0174
COMPANY HORIZON GROUP, INC. 10000 W. 10TH AVE. SUITE 200 DENVER, CO 80202	PROJECT MONITOR CLASSROAD A-2 10000 W. 10TH AVE. DENVER, CO 80202
PROJECT COLUMBIA WEST ENGINEERING 10000 W. 10TH AVE. SUITE 200 DENVER, CO 80202	DATE 10/1/82
SITE LOCATION CLARK COUNTY, PA 10000 W. 10TH AVE. SUITE 200 DENVER, CO 80202	DRAWING NO. 10000 W. 10TH AVE. SUITE 200 DENVER, CO 80202

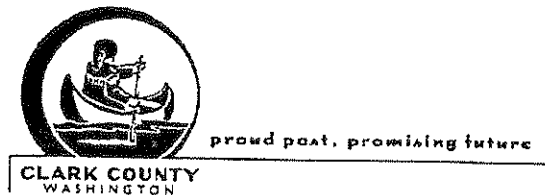
TAB 6
ENGINEERING ANALYSIS

ENGINEERING ANALYSIS



NE 50th AVENUE

126 096



DEPARTMENT OF
COMMUNITY DEVELOPMENT
ENGINEERING SERVICES

MEMORANDUM

TO: Richard Drinkwater, P.E.

FROM: Paul Knox

DATE: April 13, 2005

SUBJECT: PLD2005-00007, Odne Estates Subdivision
Road Modification (EVR2005-00008)

PROJECT SITE:

The site is located at 4301 NE 50th Avenue.

PROJECT SCOPE:

The applicant proposes to divide 4.35 acres zoned R1-6 into a 23 lot single family subdivision.

Finding 1 - Road Modifications

- a. *Approval Criterion* - If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.010. The request shall meet one (or more) of the following four specific criteria:
- (i) *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
 - (ii) *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
 - (iii) *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
 - (iv) *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*
- b. *Modification Request* - The applicant is requesting two road modifications. The first is to allow the site entrance road to be constructed approximately 200 feet east of the intersection of NE 44th Street and NE 50th Avenue, which is less than the minimum 275 feet required by CCC Table 40.350.030-2. The applicant has also requested a road modification to waive the requirement to construct frontage improvements along NE 50th Avenue as required by CCC 40.350.030(B)(5).

Applicant's comments

- The development proposes no access onto NE 50th Avenue. Frontage improvements to NE 50th are not necessary as a direct result of the impacts created by this subdivision

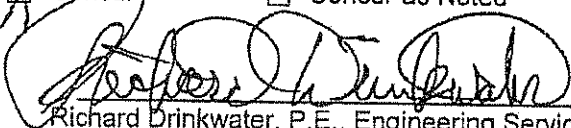
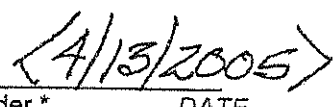
and the cost of the required improvements are disproportionate to the impacts of this development on NE 50th Avenue.

- The sight distance limitations at the intersection of NE 44th Street and NE 50th Avenue would require the developer to provide offsite improvements, whose costs are disproportionate to the impact created. Adequate sight distance is available at the proposed new intersection.

Staff's Evaluation

- In accordance with state and federal case law, the county cannot impose an exaction which requires the applicant to solve an existing public problem unless the proposed development creates an impact which adversely affects the problem or there is some safety concern that will be materially aggravated by the proposed development.
 - The low crest vertical curve immediately west of the intersection of NE 44th Street and NE 50th Avenue is an existing condition that was not created by the proposed development.
 - The accident history at this intersection does not appear to meet county standards that would require the applicant to correct the sight distance deficiency and there is no imminent plan to use public funds to correct the sight distance deficiency.
 - The applicant has proposed an alternative plan which provides adequate site distance and meets county cross circulation standards. The proposed alternative access is available for the use of surrounding properties.
 - If the proposed subdivision does not create additional traffic impacts on NE 50th Avenue, there is no essential nexus between the proposed development and the required frontage improvements and the county cannot require the applicant to provide improvements they will not use.
- c. *Staff Recommendations* - Based on the findings and the provisions of the Transportation Standards, staff recommends **Approval** of the requested modifications to allow intersection spacing less than minimum required for collector roads and to waive the requirement to construct frontage improvements along NE 50th Avenue, subject to the Condition of Approval below, since the criteria as described in Section CCC 40.550.010(A)(1)(a) is met.

"No lot of this subdivision shall be allowed direct driveway access onto NE 50th Avenue. The final engineering plans shall show the removal of all existing driveways and shall show the measures proposed to physically prevent direct access onto this road by the lots created by this project, whether by means of fences, extruded curb, or as otherwise approved during final engineering plan approval." **See Condition A-7**

<input checked="" type="checkbox"/> Concur	<input type="checkbox"/> Concur as Noted	<input type="checkbox"/> Do Not Concur
		
Richard Drinkwater, P.E., Engineering Services Team Leader *		DATE
* Peter Capell, County Engineer, delegated his authority for Road Modifications to Richard Drinkwater, P.E., Engineering Services Team Leader, On November 5, 2001.		

TAB 7
SUBMITTAL COPIES

RESIDENTIAL Frontage

